

Montana Supplemental Educational Services **Withdrawal of Provider Approval**

Supplemental Educational Service providers are required to demonstrate student progress, implement assurances and the program described in the SES application, and comply with NCLB Title IA and Montana statutes to be included, and continue, on the Montana approved providers' list. In the event a provider fails to demonstrate student progress, implement assurances and program or is in violation of law, rules and/or regulation the Montana Office of Public Instruction (OPI) must withdraw approval and remove the provider from the approved provider list.

This document describes the reasons and process for withdrawal of approval from a Montana approved provider

Withdrawing Approval of a Supplemental Educational Service Provider

Failure to Make Academic Progress

The provider must demonstrate that the students they serve show measurable gains in academic achievement as a result of the services provided. NCLB requires providers whose served students do not show measurable academic achievement for two consecutive years must be removed from the state approved provider list.

A Montana provider must demonstrate that 80% of students served under NCLB have met academic achievement goals set in the agreement with the district, parent, and provider. If 80% of the students served by a provider do not meet their academic goals for two consecutive years, the OPI must withdraw approval from the provider and remove it from the approved provider list.

The following are the steps the OPI follows in withdrawing approval from an approved provider for failure to demonstrate student achievement.

1. Districts submit completed monitoring tools to the OPI – May 31
2. OPI reviews the monitoring results to determine that providers demonstrate that 80% of students met their contracted academic goals aligned with the Montana content and performance objectives – Review completed June 30
3. First year providers notified by July 1 if
 - a. 80% of students did not meet goals
 - b. Goals not aligned with Montana Content and Performance objectives
4. Second year providers
 - a. 80% of students did not meet goals
 - i. Notified of opportunity to submit additional data by July 10
 - b. Goals not aligned with the Montana Content and Performance objectives
 - i. Notified of opportunity to submit additional evidence by July 10
5. OPI makes determination to remove provider with assistance from the Committee of Practitioners (COP)
6. Providers to students not meeting goals notified of decision and removed from the approved provider list
7. Providers removed from the approved provider list may reapply when they can:

- a. Demonstrate that for 2 consecutive years 80% of students served met academic goals in reading and/or math
 - b. Provide evidence that goals are aligned with Montana content and performance objectives
8. COP assists with approval of providers re-applying

Failure to Implement Assurances

In the event that district monitoring documentation (including interim monitoring reports) submitted to the OPI indicate that any of the assurances have not been met by the provider, the OPI will notify the district and provider within 30 days of submission of the district monitoring report. OPI will investigate the documented non-compliance within 30 days of notification. The provider will be afforded an opportunity to submit documented evidence of compliance during the investigation.

On a case by case basis, the OPI will consider plans submitted by the provider to come into compliance.

If no evidence is presented to document compliance, or if the negotiated corrective action is not completed, OPI approval will be withdrawn from the provider. The provider may reapply two years from approval withdrawal.

Failure to Provide Requested Documentation

The OPI will request yearly information from an approved provider about the nature of its services, numbers of students served, hours worked, and other data need to ensure the academic progress of students. Failure to provide this requested documentation by the due dates will result in the provider being removed from the approved provider list. The provider may reapply two years from approval withdrawal.

Withdrawal of Approval Resulting from a Complaint

Anyone may file a complaint alleging non-compliance of a district SES program or SES provider programs/practices. The complaint must be submitted to the OPI.

If noncompliance is found resulting from a complaint, the OPI SES coordinator's written decision shall include any necessary corrective action to be undertaken as well as any documentation to be supplied to ensure that the corrective action has occurred. If a provider has been found out of compliance with NCLB Title IA section 1116, the provider, at the discretion of the OPI SES coordinator, may be suspended from providing services until corrective action has occurred, or the provider may be permanently removed from the Montana approved provider list. If the district is found noncompliant, the OPI SES coordinator, in consultation with the district, shall determine corrective action.

Withdrawal at the Discretion of ODE

If actions of a supplemental education service provider, their employees or practices result in criminal activities, danger to students or flagrant disregard for student safety,

the OPI may temporarily or permanently withdraw approval immediately, pending an investigation.

Title IA Sec. 1116 (e) (4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES– A State educational agency shall--

(D) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B)

USDE Non regulatory Guidance Supplemental Education Services

D-4. How may an SEA terminate approval of a provider that is not meeting the statutory requirement to increase students' academic achievement?

An SEA must use a consistent policy for withdrawing supplemental educational service providers from the State-approved list. The statute requires an SEA to remove from the approved list any provider that fails, for two consecutive years, to contribute to increased student proficiency relative to State academic content and achievement standards [*Section 1116(e)(4)(D)*]. In addition, a provider must be removed from the list if, at any time, it fails to provide supplemental educational services consistent with applicable health, safety, and civil rights requirements.